

April 3, 2017

West Des Moines City Council Proceedings
Monday, April 3, 2017

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, April 3, 2017 at 5:30 PM. Council members present were: R. Messerschmidt, J. Mickelson, and K. Trevillyan. Council member R. Trimble participated via telephone.

City Clerk Ryan Jacobson stated staff recommends the removal of Item 4(l) Approval of Agreement for Economic Development Grant - DelVoda Business Accelerator Program, as staff needs more time to finalize the agreement, and it will be scheduled for consideration at a special meeting on Friday, April 7th.

On Item 1. Agenda. It was moved by Messerschmidt, second by Trevillyan approve the agenda as amended.

Vote 17-158: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Trevillyan reported he attended a meeting of the Legislative Subcommittee, and the minutes have been made available.

Council member Messerschmidt reported the Public Art Advisory Commission met and discussed plans for the 2017 "Art on the Trail" project.

Mayor Gaer reported he attended a ribbon cutting ceremony at The Foundry.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Trevillyan to approve the consent agenda as presented.

- a. Approval of Minutes of March 20, 2017 and March 23, 2017 Meetings
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Coppi Enterprise, LLC d/b/a Dino's, 5962 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
 - 2. Hy-Vee, Inc. d/b/a Hy-Vee Drugstore #2, 1010 60th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal

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3. Rogers Entertainment Ltd. d/b/a Legends American Grille, 5906 Ashworth Road - Class LC Liquor License with Sunday Sales - Renewal
4. V Lounge, LLC d/b/a MiniBar, 3535 Westown Parkway - Class LC Liquor License with Sunday Sales - Renewal
5. Indianola Hotel, LLC d/b/a West Des Moines IA Sleep Inn & Suites, 885 51st Street - Class LB Liquor License with Carryout Wine and Sunday Sales - New
6. Wasabi Group Inc. d/b/a Wasabi, 9500 University Avenue, Suite 2101 - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- d. Approval of Special Event Lane Closures:
 1. Lutheran Church of Hope Easter Services
 2. West Des Moines Girls Softball Parade
 3. Miscellaneous Events - Historic Valley Junction Foundation
- e. Approval of Appointment - Library Board of Trustees
- f. Order Construction:
 1. 2017 PCC Patching and Medians Program
 2. 2017 Parking Lot Repair Program
 3. Fairmeadows Park Playground Replacement
 4. South 19th Street Trail and Sidewalk Project
- g. Accept Work:
 1. Law Enforcement Center Lower Level Remodeling, Phase 2
 2. SE Soteria Avenue, SE Pine Avenue to SE Willow Creek Drive
- h. Approval of 28E Agreement - North and Middle River Watershed Management Authority
- i. Approval and Acceptance of Easements and Agreements - The Foundry, 111 South 11th Street
- j. Approval of Application - Iowa League of Cities All-Star Community Award
- k. Approval to Initiate a Development Agreement - The Foundry DSM, LLC and TenX Adventures 2, LLC
- l. Removed
- m. Approval of Addendum to Lease Agreement for 318 5th Street - West Des Moines Business Incubator
- n. Proclamation - Rotary Foundation Day - April 11, 2017

Vote 17-159: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Mayor Gaer read Proclamation - Rotary Foundation Day and presented it to Chris Nelson from the Rotary Club of West Des Moines.

Chris Nelson, Rotary Club of West Des Moines, reported on the organization's activities, specifically with helping eradicate polio around the world and assisting with local projects, such as building shelters and cleaning ditches. He asked the City to reach out to the Rotary Club if there are any projects they could assist with.

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On Item 5(a) Village of Ponderosa, east of South 60th Street at Village View Drive - Amend the Specific Plan Ordinance to Modify Development Regulations and Proposed Architectural Concepts, initiated by LENL, LLC

It was moved by Trevillyan, second by Messerschmidt to consider the third reading of the ordinance.

Vote 17-160: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the third reading and adopt the ordinance in final form.

Vote 17-161: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(b) Plaza at Jordan Creek, northeast corner of Mills Civic Parkway and South Jordan Creek Parkway - Amend the Specific Plan Ordinance and Sketch Plan to Modify Site Layout, Development Regulations and Architectural Concepts, initiated by Johnson Jordan, LLC and Hurd Jordan Two, LLC

It was moved by Trevillyan, second by Messerschmidt to consider the second reading of the ordinance.

Vote 17-162: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the second reading of the ordinance.

Vote 17-163: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to waive the third reading and adopt the ordinance in final form.

Vote 17-164: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 18 (Signs) - Adopt New Regulations for the Placement of Signs within the Corporate City Limits, initiated by the City of West Des Moines (Continued from December 27, 2016, March 6, 2017, and March 20, 2017). He asked for the date the notice was published and the City Clerk indicated the notice was published on December 9, 2016 and February 27, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

Mayor Gaer requested clarification on the sidewalk encroachment permit.

Kevin Wilde, Sign and Zoning Administrator, explained it would be an annual permit to allow items, such as displays, benches, or planters, to be placed on the sidewalk as long as they maintain a 5-foot wide clear zone. He noted staff is requesting direction from the Council on the appropriate fee for this permit.

Mayor Gaer suggested the first reading could be passed tonight, and he requested that staff develop a recommendation for an appropriate fee before consideration of the second reading on April 17, 2017.

It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Vote 17-165: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-166: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider The Foundry, 111 South 11th Street - Vacation of Two Ingress/Egress Easements, initiated by Rock Island Development Co., LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor

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Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Mickelson to adopt Resolution - Approval of Vacation.

Vote 17-167: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Village of Ponderosa, east of South 60th Street at Village View Drive - Vacate Public Utility Easements within Lots 32 and 33, Village of Ponderosa Plat 1 and Lots 6 and 7, Village of Ponderosa Plat 3, initiated by LENL, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 17, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Vacation.

Vote 17-168: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 7 (Public Ways and Property), Chapter 1 (Streets, Sidewalks, and Alleys), Section 8D (Official Street Name Map) - Change the Roadway Name of that approx. 400 ft. Dead-End Section of Wendover Road to Johnson Court, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 17, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

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Vote 17-169: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-170: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider Historic West Des Moines Urban Renewal Area, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Urban Renewal Plan.

Vote 17-171: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Vote 17-172: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-173: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(f) Agreement for Private Development, initiated by Community Housing Initiatives, Inc.

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It was moved by Messerschmidt, second by Mickelson to adopt Motion - Continue Public Hearing to April 17, 2017.

Vote 17-174: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(g) Mayor Gaer indicated this was the time and place for a public hearing to consider Agreement for Private Development, initiated by Steffes Holdings, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Agreement.

Vote 17-175: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(h) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016-17 FY Operating and Capital Budget - Amendment #5, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Budget Amendment #5.

Vote 17-176: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(i) Mayor Gaer indicated this was the time and place for a public hearing to consider Public Safety Station 18 Exterior Improvements, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

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Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Brocon Services.

Vote 17-177: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(j) Mayor Gaer indicated this was the time and place for a public hearing to consider Park Road Drainage Improvements, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Corell Contractor.

Vote 17-178: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(k) Mayor Gaer indicated this was the time and place for a public hearing to consider Library Flat Roof and Gutter Replacement, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 24, 2017 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Rubber Roofing Systems.

Vote 17-179: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

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On Item 7(a) Park 88, northeast corner of EP True Parkway and 88th Street - Subdivide Property into Two Lots and Three Street Lots, initiated by F & S Associates

It was moved by Messerschmidt, second by Trevillyan to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 17-180: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 9 (Human Rights Commission), Section 4 (Responsibilities) - Amend City Code to Reflect Protected Classes as Defined by the Code of Iowa, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to consider the first reading of the ordinance.

Vote 17-181: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the first reading of the ordinance.

Vote 17-182: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 3 (Special Stops Required) - Wistful Vista Drive and Meadow Valley Drive/South 49th Street, 63rd Street and Aspen Drive, and 65th Street and Aspen Drive, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trevillyan to consider the first reading of the ordinance.

Vote 17-183: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Messerschmidt, second by Trevillyan to approve the first reading of the ordinance.

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Vote 17-184: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(d) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - Knolls Court, Pommel Place to south terminal, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Vote 17-185: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 17-186: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Bridgewood, generally west of the intersection of Jordan Creek Parkway and Bridgewood Boulevard - Amend the Planned Unit Development (PUD) to Remove Language Regarding Landscape Maintenance - Bridgewood Association, Inc. - Referred to Plan and Zoning

On Item 9 - Other Matters

Mayor Gaer noted for "Legislative Updates", the minutes of the Legislative Subcommittee meeting are available.

The meeting was adjourned at 5:59 p.m.

It was moved by Trevillyan, second by Messerschmidt to go into Executive Session per Chapter 21 of the Iowa Code, to discuss pending/threatened litigation.

Vote 17-187: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Entered Executive Session at 6:06 p.m. with the following persons present in the Teamwork Room of City Hall: Mayor Gaer, Council members Messerschmidt, Mickelson, and Trevillyan; City Manager, City Attorney, City Clerk, and legal counsel Jim Wainwright. Council member Trimble was present via telephone.

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It was moved by Trevillyan, second by Mickelson to adjourn from Executive Session.

Vote 17-188: Messerschmidt, Mickelson, Trevillyan, Trimble...4 yes
Motion carried.

Executive Session was adjourned at 6:38 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor